

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In Re:)
SANDRA SUE CLARK,) Bankruptcy No.: 16-21470-JAD
)
Debtor.) Chapter: 13
)
SANDRA SUE CLARK,)
Movant,) Hearing Date: 05/29/2019
)
v.) Hearing Time: 10:00 AM
)
PNC BANK, N.A.,) Response Deadline: N/A
)
Relates to Doc. # 94
Respondent.)
)
RONDA J. WINNECOUR, Trustee.)

STIPULATED ORDER CONFIRMING CHAPTER 13
SALE OF PROPERTY FREE AND DIVESTED OF LIENS

And Now, the _____ day of _____, 2019, on consideration of the Debtor, Sandra Sue Clark's Motion for Sale of Property Free and Divested of Liens to Clayton H. Shaffer and Elaine R. Shaffer, for \$160,000.00, after hearing held in Courtroom D, 54th Floor, 600 Grant Street, Pittsburgh, PA, this date, the Court finds:

- (1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for private sale, viz: None. (Former mortgage has been paid in full, according to the Chapter 13 Trustee's website.) PNC Bank was served as a precaution.
- (2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving

party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Complaint/Motion.

(3) That said sale was not required to be published pursuant to W.PA.LBR 6004-1, given that proceeds from the sale will be sufficient to satisfy 100% of all Claims filed in this case, pursuant to W.PA.LBR 6004-2.

(4) That at the sale hearing no higher offers were received and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$160,000.00 offered by Clayton H. Shaffer and Elaine R. Shaffer was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

IT IS ORDERED, ADJUDGED AND DECREED that the sale by Special Warranty deed of the real property described in the Motion as 136 Elsie Lane, Kittanning, 16201, in North Buffalo Township, Armstrong County, Pennsylvania is hereby **CONFIRMED** to Clayton H. Shaffer and Elaine R. Shaffer for \$160,000.00, free and divested of the above recited liens and claims, and, that the Movant shall make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that any liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

IT IS FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.

- (1) The following lien(s)/claim(s): none;
- (2) Delinquent real estate taxes, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising in the amount of \$ n/a;
- (5) The costs of legal journal advertising in the amount of \$ n/a;
- (6) The Court approved realtor commission in the amount of \$9,600.00;
- (7) Court approved attorney fees to Debtor's Counsel in the amount of \$750.00, plus reimbursement of the \$362.00 filing fees at Docs. #74 and #87;
- (8) Debtor's exemption of \$11,825, payable to Sandra Sue Clark, 2250 Moody Ridge Road, Vincent, OH 45784;
- (9) The "net proceeds" from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "Ronda J. Winnecur, Ch. 13 Trustee, P.O. BOX 84051, CHICAGO, IL 60689-4002".
- (10) Chapter 13 Trustee "percentage fees" shall be paid as calculated by the Trustee, payable from the "net proceeds".

It is FURTHER ORDERED that:

1. Closing shall occur within thirty (30) days of this Order and the Movant shall file a report of sale within seven (7) days following closing.
2. The Net Proceeds shall be used by the Trustee to pay off the Plan at a 100% distribution to priority and general unsecured creditors as soon as practical following receipt. Final closure of the case shall be subject to final audit. Any surplus proceeds beyond that necessary to pay off the Plan at 100% shall be refunded to the Debtor following audit and Court approval of the Trustee's final report. Although no deficiency is anticipated, if there is one it will need to be satisfied as a condition of the completion of the case.
3. This Order shall be deemed to be incorporated into the previously confirmed plan (dated 9/7/18 at Doc. 63, and confirmed on 11/5/18 at Doc. 65) and shall survive any dismissal or conversion of the within case.
4. Within five (5) days of the date of this Order, the Movant shall serve a copy of the within Order on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

Judge Jeffery A. Deller
United States Bankruptcy Judge

SO STIPULATED:

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